

STATEMENT
OF
SENATOR DANIEL K. INOUE
BEFORE THE
APRIL 5, 2005
HEARING
ON
S. 113, A BILL TO MODIFY THE DATE AS OF WHICH
CERTAIN TRIBAL LAND OF THE LYTTON RANCHERIA OF
CALIFORNIA IS DEEMED TO BE HELD IN TRUST

Thank you, Mr. Chairman. I believe it is important that we understand the historical background of the bill that we address today.

For nearly thirty years – from 1962 to 1991 – the Lytton Rancheria was terminated from its Federally-recognized status.

As part of its effort to regain that status, litigation was initiated by the tribe.

The County of Sonoma intervened in that lawsuit and as a condition of the County's consent to a forthcoming settlement of the legal action, certain conditions were imposed which precluded the tribe from initiating economic development activities on the tribe's traditional lands.

Thus, from the outset of the restoration of the tribe's Federally-recognized status, the tribe was forced to look to other areas for the development of the tribe's economy.

In 2000, Representative George Miller proposed an amendment to the Omnibus Indian Advancement Act of that year, which identified lands to be taken into trust for

the Lytton Band and deemed those lands to have been taken into trust prior to October 17, 1988 – the date of enactment of the Indian Gaming Regulatory Act.

The bill, as amended by the House on October 26, 2000, came back to the Senate – where it was pending on the Senate calendar until December 11, 2000 – when the bill was taken up and passed by the Senate.

In those 45 days in which the amended bill was pending in the Senate, the customary protocol was followed to assure that the amendment was agreed to not only by the offices of the California Senators, but that the amendment was acceptable to other Senators prior to action on the bill in the Senate.

This legislative history is clearly documented in the records of the Senate for all to examine.

Accordingly, I would hope that as this measure is addressed, that we take into consideration these critical aspects of the legislative history that led to enactment of the amendment to the Omnibus Indian Advancement Act of 2000, including a subsequent amendment to the Act which provides that the Lytton Band must comply with all aspects of the Indian Gaming Regulatory Act in the conduct of any gaming activities on the tribe's lands.